

**ZB# 02-33**

**John Kochan**

**6-5-46.223**

#02-33 - Kochan, John

Use / Area

6-5-46-223

Prelim.

June 10, 2002

Public Hearing:

June 24, 2002

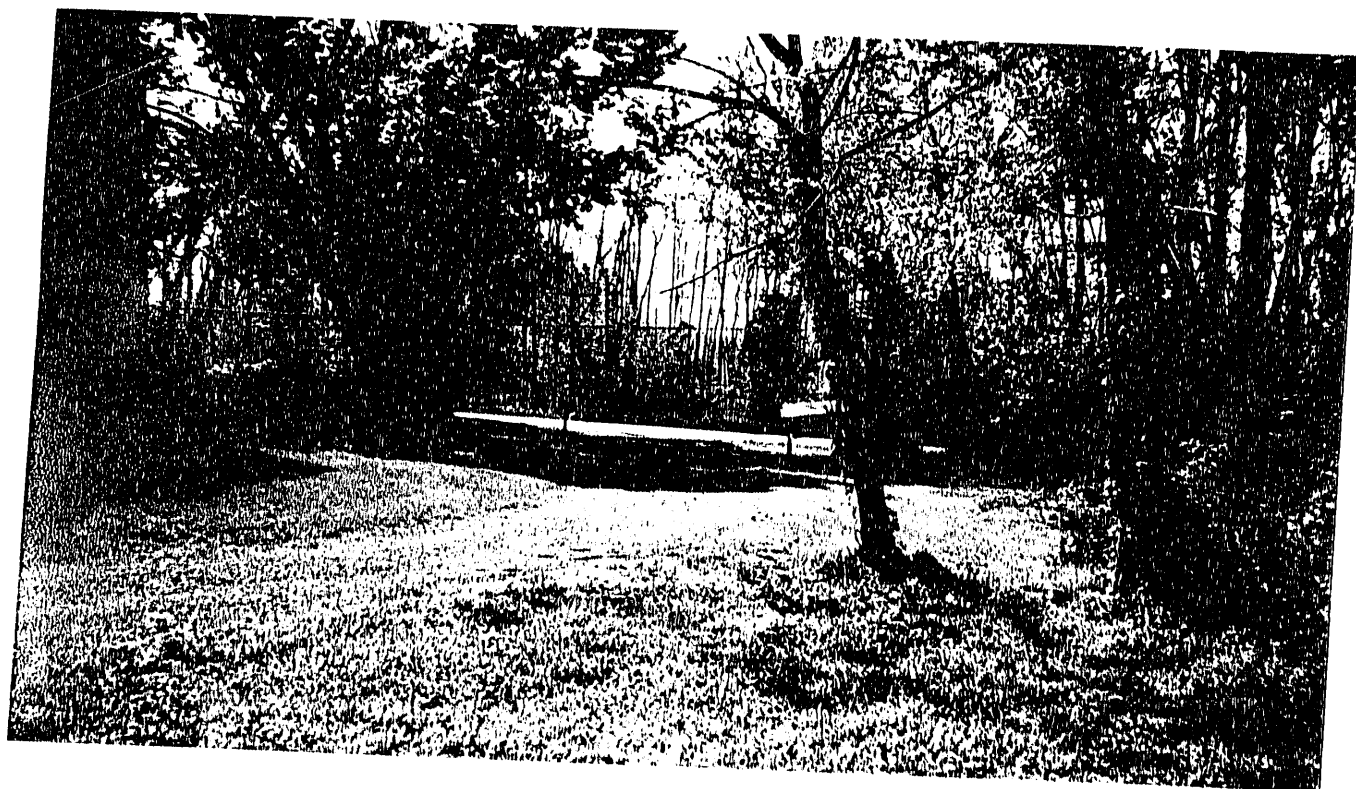
Approved

June 24, 2002

Refunded

\$171.50









11/2/77

6-5-46-223





6-5-46-225

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Kochan

FILE# 02-33

RESIDENTIAL: \$50.00  
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE X

APPLICATION FOR VARIANCE FEE ..... \$ 50.00

*Paid #8390  
6/12/02.*

ESCROW DEPOSIT FOR CONSULTANT FEES ..... \$ 300.00

*Paid #8389.*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 6/10/02-5 ..... \$ 22.50  
2ND PRELIMINARY- PER PAGE 6/24/02-8 ..... \$ 36.00  
3RD PRELIMINARY- PER PAGE ..... \$ \_\_\_\_\_  
PUBLIC HEARING - PER PAGE ..... \$ \_\_\_\_\_  
PUBLIC HEARING (CONT'D) PER PAGE ..... \$ \_\_\_\_\_  
TOTAL ..... \$ 58.50

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: 6/10/02 ..... \$ 35.00  
2ND PRELIM. 6/24/02 ..... \$ 35.00  
3RD PRELIM. .... \$ \_\_\_\_\_  
PUBLIC HEARING. .... \$ \_\_\_\_\_  
PUBLIC HEARING (CONT'D) ..... \$ \_\_\_\_\_  
TOTAL ..... \$ 70.00

MISC. CHARGES:

..... \$ \_\_\_\_\_  
TOTAL ..... \$ 128.50

LESS ESCROW DEPOSIT ..... \$ 300.00  
(ADDL. CHARGES DUE) ..... \$ \_\_\_\_\_  
REFUND DUE TO APPLICANT . \$ 171.50

## NEW WINDSOR ZONING BOARD OF APPEALS

#02-33

-----X  
In the Matter of the Application of**JOHN KOCHAN**MEMORANDUM OF  
DECISION GRANTING  
AREA VARIANCES#02-33.  
-----X

**WHEREAS, JOHN KOCHAN**, 572 Union Avenue, New Windsor, N. Y. 12553, has made application before the Zoning Board of Appeals after being referred by the Planning Board for: Lot #1 - use variance for multi-family with single family; and Lot #2 40 ft. lot width variance, at the above residence in an R-4 zone; and

**WHEREAS**, a public hearing was held on the 24th day of June, 2002 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, Applicant appeared by William Hildreth, L. S., on behalf of this Application; and

**WHEREAS**, there were three spectators appearing at the public hearing; and

**WHEREAS**, three persons spoke; neither were in favor of, nor in opposition to this Application and one had certain questions; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property located in a neighborhood containing residential properties.

(b) The Applicant seeks to subdivide the property to continue use of the larger lot and the three-family residence thereon and for development of the lot to be created, smaller lot, with the construction of a one-family home.

(c) The existing structure is used as a three-family house, is serviced by separate electric service for each unit and heated by separate heating units for each unit.

- (d) The lot sought to be created will be improved by a single-family home as permitted in the Zoning Code of the Town of New Windsor.
- (e) The lot to be created will be in excess of 2 1/2 acres that is much larger in size than required by the Zoning Code.
- (f) The lot to be created, if the variances are granted, will be served by public water and sewer and will be separated from other lots by a wooded buffer.
- (g) No visual changes are planned for either lot other than the construction of a single-family residence.
- (h) The single-family residence will be located on the subdivided lot a considerable distance from the roadway, whereas the lot width is measured only at the setback line.
- (i) Construction of an additional structure will not divert the flow of drainage or create any ponding or collection of water.
- (j) There will be no additional driveway entrances onto Union Avenue and the proposed new one-family home will be serviced by the existing driveway.
- (k) The character of the neighborhood is entirely residential and this variance will not create any change in the character.
- (l) The existing three-family structure on the premises has been existing since prior to the enactment of Zoning and there will be no change in its existence or appearance.
- (m) Because of the character of the neighborhood, the property is not usable for any purpose other than its present use.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. There is no other feasible method available to the Applicant that can produce the benefits sought.
2. The variance requested is substantial in relation to the Town regulations, but nevertheless is warranted.
3. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

4. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

5. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

6. The interests of justice will be served by allowing the granting of the requested area variance.

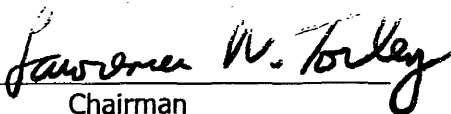
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor interpret the use portion for Lot #1-multi-family with single-family, as a pre-existing, non-conforming condition, plus for Lot #2 grant a variance of 40 ft. lot width, located at 572 Union Avenue, in an R-4 zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: September 23, 2002.

  
Chairman

Date 7/24/02

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.  
168 N. Drury Lane  
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
<u>6/24/02</u>		Zoning Board Mte	75 00	
		Misc. - 2		
		Erden - 5		
		Billik - 2		
		Riley - 2		
		Yankers Contracting - 3		
		Yhnaggs - 4		
		Kochan - 8 \$36.00		
		Celandrea - 3		
		Corbett - 2		
		Traver - 21	234 00	
		<u>52</u>		
			<u>309 00</u>	

PUBLIC HEARING:

KOCHAN, JOHN

Mr. William Hildreth appeared before the board for this proposal.

MR. TORLEY: Referred by the Planning Board for variances: Lot #1 use variance for multi-family with single family and Lot #2 40 foot lot width at 572 Union Avenue in an R-4 zone. Before I begin, I'd like to, this is a note that on the 12th day of June, she mailed 93 addressed envelopes regarding this matter for public hearing.

MR. HILDRETH: Of which two have been returned to my office as undeliverable. Do you want those in your file?

MR. TORLEY: No.

MR. HILDRETH: This plan that you see is a subdivision plan that I prepared. My name is William Hildreth, I'm a land surveyor that prepared the plan. It was referred here by the planning board because of the need for a width, lot width variance and the new lot we're creating at the same time the issue of the existing structures came up these structures pre-exist zoning, there's a three family residence and a single family residence on the property. And after the planning board made the referral citing the request for the use variance, I got a copy of a letter from the building department that was written in April of '99 which is a month prior to when the current owner closed and it states that the three family structure was built in 1860 as a three-family structure and the single family residence was built in 1910, therefore, it predates zoning and no C.O. is required. I think that--

MR. TORLEY: May I keep it?

MR. HILDRETH: You may.

MR. TORLEY: We'll receive and file this letter signed by Michael Babcock dated April 22, 1999.



MR. HILDRETH: Which makes me wonder even though we have gone through the application process here is that a variance that you want to render an interpretation on and/or would you rather proceed with the public hearing anyway?

MR. TORLEY: Well, you're in the lot divisions, so there was a, as I recall--

MR. HILDRETH: The project is a subdivision, yes, but the use variance doesn't really have a bearing on the lot width variance that we're asking for.

MR. TORLEY: So there's two items, one is the lot width and with one is the use variance. I think, gentlemen, we'll hold on to this, we'll go through the public hearing part and take these up separately. So you want to proceed now?

MR. HILDRETH: Okay, having delivered that letter that's our case for the use variance, it's pre-existing, it was marketed that way, the current owner bought it that way, it's got three boilers, three electrical meters in the three family. Of course, the single family stands by itself. The proposal for the subdivision is going to create a lot which will contain those two structures and the intention is to keep them as they are. The subdivision itself will make no real visible changes in that, the lot is large enough to include some woods in the back, it will have a buffer from the new lot, the lot in the back that we're creating is 2.83 acres which far exceeds the zoning requirements in that zone for lot area. All of the other bulk requirements for that lot are obviously going to be met. It's served by public water and sewer and the need for the lot width variance is that if the lot that we're creating, that is this 2.8 acres for the single family proposed residence, if it were to be made a hundred feet wide, it would, if you look at the map, it would crash into the existing house which is an untenable situation. So the lot width variance is in a amount of 40 feet, we're asking for a 60 foot lot width as ~~a supposed~~ to 100 foot lot width in order to create a single family lot that's far and away above the

*opposed*

minimum requirement for all other bulks.

MR. TORLEY: The reason that you require the lot width variance is because the code that's been changed so that lot width is measured now not where the house is on the lot but where the setback from the road is.

MR. HILDRETH: It's a function of the definition of lot width, the lot width must be measured at the front yard setback, which is only 40 or 50 feet from Union Avenue which didn't work, whereas, the house itself is going to be far back into the property and the width at that point far exceeds the hundred foot requirement.

MR. TORLEY: Gentlemen, do you have any questions before we open it up?

MR. REIS: The proposed house, that's a single family dwelling?

MR. HILDRETH: Correct.

MR. REIS: Served by municipal water and sewer?

MR. HILDRETH: Correct.

MR. REIS: Are you changing the topo of the new proposed driveway to the house?

MR. HILDRETH: Slightly, I've gotten some feedback from Orange County Highway Department which is the agency that has to review and okay the new entrance and let me stop there for a minute. One of things that we're doing here is we're relocating one of the driveways that's on that existing lot so that when we're all said and done, there will be no more or less driveway penetrations out to Union Avenue. Right now, there's a looped driveway servicing the existing residence, that loop is going to become two directional, we're going to widen the one that, we're going to keep, eliminate the other loop 35 feet down the road is going to be the new driveway for the lot in the back so we're hardly moving it at all.

MR. MC DONALD: Still going to be able to service the

existing one family in the back?

MR. HILDRETH: Correct, the new driveway, and to answer the question about the topo, it's going to have to change in order to provide the negative grade for 25 foot of off Union, that's it.

MR. REIS: Not going to create any water or drainage problems?

MR. HILDRETH: No, all the drainage is going to be taken care of right where the county requires the negative grade proposed culvert for the new driveway in an existing ditch in the County right-of-way, that's it.

MR. TORLEY: Yes, ma'am?

MRS. ALESSI: Sally Ann Alessi.

MR. TORLEY: You live at?

MRS. ALESSI: 564 Union Avenue right next to this property.

MR. HILDRETH: Okay.

MRS. ALESSI: I have my maps and I don't quite understand where exactly this is according to my property, could I see this?

MR. HILDRETH: I'm sorry we don't have a board. You're over here, the new driveway's going to be on the other side of the Kochan property from your lot.

MRS. ALESSI: On the other side of that house, you mean?

MR. KOCHAN: The driveway where you're pulling in, we're widening that.

MR. HILDRETH: The idea is to, because of the topo and tucking it into here, the nicest spot is going to be pretty much in a direct line behind the division line between your property and Kochan's and that's where

this box is.

MRS. ALESSI: So behind our house will be the new house?

MR. TORLEY: But he must keep it within the side yards, front yards all have to be with the code.

MRS. ALESSI: Where will the front of the house face?

MR. HILDRETH: Well, I suspect that the driveway's going to come in and once you reach the house site, whether it's right behind your lot or down here, you then have to decide whether you're going to have a side or front entry garage that will determine which way the house is going to face because you don't have any road view from here, the front of the house doesn't necessarily have to face Union Avenue.

MRS. ALESSI: Cause I know the sides of the property are a lot less than front or back, so I don't know whether the side of the property might be just only a few feet from the back of my yard.

MR. HILDRETH: Given the nature of the size of the area and the setbacks would be possibly very close, it doesn't make any sense to more or less center the house.

MRS. ALESSI: I understand, I just wasn't sure how many.

MR. HILDRETH: So after hearing this presentation, do you have an objection to this variance?

MRS. ALESSI: I don't think so.

MR. ALESSI: Joe Alessi. The only objection is we weren't sure when they were talking about the two issues the multi-family and the stuff that didn't pertain to us, we were guessing that it was the original house that they were talking about, but the way it was in the paper, we thought that there might be a proposal for a multi-family behind us which would have been objected to.

MR. TORLEY: Anyone else have anything to inquire about on this matter? Then I'll close the public hearing and open it back up to the members of the board.

MR. ROSS: Eldred Ross. I understand what's here in relation to what I received in the mail, how many houses are going to be built?

MR. HILDRETH: One.

MR. ROSS: This is a multi-family house?

MR. HILDRETH: No, house being built is a single-family house, the multi-family use variance is for houses that are there that have been there for almost a hundred years.

MR. ROSS: More than a hundred.

MR. HILDRETH: As multi-family.

MR. ROSS: My aunt and uncle bought that farm back in 1896 and I'm familiar with the farm for my entire life.

MR. HILDRETH: Yes, the multi-family refers to these two structures.

MR. ROSS: This is in back?

MR. HILDRETH: This is Union Avenue here, this is the main house, the oldest house, and this is the one that was built in 1910, the new house is going to go in the woods in the back, that's it, and we're proposing a driveway to come in the left side of the existing house in order to reach it.

MR. TORLEY: Sir, do you have any objection to this variance?

MR. ROSS: My hearing aid doesn't pick up in this room.

MR. TORLEY: Do you have an objection to them receiving this variance?

MR. ROSS: I don't have an objection, I don't see how a 40 foot lot is big enough for a house.

MR. TORLEY: That's the driveway. The lot at the road is 60 feet wide, that's why he's putting the house in the back where it's much wider, several acres in the back.

MR. ROSS: Okay.

MR. TORLEY: Just a long driveway back to the open area.

MR. ROSS: And I was concerned about it being a multi-family house.

MR. KRIEGER: No, only multi-family we're referring to is what's already here.

MR. ROSS: I feel much better.

MR. KRIEGER: Then you have no objection?

MR. ROSS: I hate to see postage size stamp lots.

MR. TORLEY: So do we.

MR. ROSS: So we're in agreement.

MR. TORLEY: You'll stipulate that this will be, this lot area variance that you're requesting will be to construct one single-family house on the whole piece?

MR. HILDRETH: I cannot say that it won't be subdivided beyond that, that's what this proposal is, that's what the owner wants. Mr. Kochan and his wife are sitting here they plan on building the house and I can't determine what's going to happen.

MR. TORLEY: If they want to subdivide it again, they have to be back because at that point, it will become a private road.

MRS. KOCHAN: We have intentions of living there.

MR. TORLEY: Gentlemen, do you have any other questions?

MR. REIS: Accept a motion?

MR. TORLEY: If you're ready.

MR. REIS: Make a motion that we pass Mr. Kochan's requested variance. By the way, are we going to take care of the use as well?

MR. TORLEY: Interpret that this is a pre-existing non-conforming use and does not require a variance.

MR. REIS: Move that we pass his requested variance for lot 2.

MR. MC DONALD: Second it.

MR. TORLEY: Make it as one combined motion or two?

MR. REIS: One motion.

MR. MC DONALD: Second it.

MR. REIS: Interpretation is acceptable.

MR. MC DONALD: Second it.

ROLL CALL

MR. REIS	AYE
MR. MC DONALD	AYE
MR. TORLEY	AYE

JOHN T. KOCHAN  
MARYANNE KOCHAN  
P.O. BOX 4827  
NEW WINDSOR, NY 12553

50-235-753  
218  
000882440

8800

6-11-2008

Pay to the order of New Windsor

\$ 50 100

7-11-2008  
100

Dollars

MEMO ZBA # 02-33

John T. Kochan

0219023521 000882440 8390



JOHN T. KOCHAN  
MARYANNE KOCHAN  
P.O. BOX 4627  
NEW WINDSOR, NY 12553

50-25753

8389

6-11-2002

Town of New Windsor \$ 300<sup>00</sup>  
Three hundred and 00/100

THE  
BANK OF  
NEW  
YORK

John T. Kochan

Mem 2BA #02-33

⑆021902352⑆ ⑈0008824401⑈ 8389

*Pls. publish immediately. Send bill to Applicant*

PUBLIC NOTICE OF HEARING BEFORE  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 33

Request of JOHN KOCHAN

for a VARIANCE of the Zoning Local Law to permit:

MULTI-FAMILY USE AND LESS THAN REQUIRED LOT WIDTH

being a VARIANCE of Section 48.12 TABLE OF USE/BULK  
REGULATIONS COLUMNS A(8) AND D(8)

for property situated as follows:

572 UNION AVENUE

known as tax lot Section 6 Block 5 Lot 46.223

SAID HEARING will take place on the 24<sup>th</sup> day of June,  
2002, at New Windsor Town Hall, 555 Union Avenue, New Windsor,  
New York, beginning at 7:30 o'clock P. M.

Lawrence Torley  
Chairman

By: Patricia A. Corsetti, Secy.

Date ..... 6/17/82 .....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO ..... Frances Roth ..... DR.  
168 N. Drury Lane  
Newburgh, N.Y. 12550

DATE		CLAIMED	ALLOWED
6/10/82	Zoning Board Mtg	75 00	
	Misc. - 4		
	Kochan - 5		
	Hudson Valley Drilling - 2		
	Wersman - 3		
	House of Apache - 21		
	Dinner - 4		
	Westage Corp. - 3		
	Smith - 2		
	Denhoff - 10		
	54	243 00	
		318 00	

PRELIMINARY MEETINGS:

KOCHAN, JOHN

MR. TORLEY: Request for variances: Lot #1 - use variance for multi-family with single family; and Lot #2 - 40 ft. lot width at 572 Union Avenue in R-4 zone.

Mr. William Hildreth appeared before the board for this proposal.

MR. HILDRETH: My name is Bill Hildreth, I'm a land surveyor, I prepared the subdivision plan that you are looking at which has been before the planning board once and was referred here for bulk variance for the lot width. Along with that since there's a pre-existing, multi-family use, the planning board included that in the referral so we could clean that up. This property happens to be right across the street. It consists of about all of just a little under 4 acres and what the applicant wants to do is divide it into two lots, one lot being for the existing dwellings and the remainder or the parcel being a single family lot. That new single family lot is going to be a little over 2.8 acres but as you can see by the geometry there was no way to get the lot width which is required to be measured at the front yard setback on that lot. I would like to show the board what was approved on this property prior to the current owner having purchased it 6 lots and he decided not to do that, I didn't want to do that for this property, this approval came with the property when he bought it.

MR. TORLEY: When was that?

MR. HILDRETH: The last date on this, this is the final plan, it's the only one I have, I wanted you to see the last revision was done in '98, I think it was under the prior zoning if that's what you were wondering, but the point is this guy only wants two lots.

MR. KANE: In the prior zoning, was the existing multi-family house permitted?

MR. HILDRETH: Yes, I checked with the planning board,

there was, obviously, you have never seen this one before, there was no variances, so it was approved with that multi-family existing on there already.

MR. KANE: As a multi-family house?

MR. HILDRETH: Right, one of the things--

MR. TORLEY: The planning board know there was, it known to them as a multi-family house?

MR. HILDRETH: Say that again, please.

MR. TORLEY: Did they know it was a multi-family house?

MR. HILDRETH: I believe they did, it's been that way for a long time. I don't want to say forever because nobody knows that, but one of the things I'd like to show you about the size of this lot that we're showing for the existing homes, it's the same square footage, slightly larger, but not enough to worry about. It's a little different shape because it's got no road but it's the same size, so that was also done deliberately.

MR. BABCOCK: Mr. Chairman, I have a letter in my file here that was done through research of the assessor's office and says that there's two structures on the property, one was built 1860 as a three family and one was built in 1920 as a one family.

MR. TORLEY: Clearly predates.

MR. HILDRETH: That qualifies.

MR. KANE: And the public hearing just going to need to address that and show proof of that.

MR. HILDRETH: I've got the paperwork all ready.

MS. CORSETTI: So you don't need this then.

MR. HILDRETH: No.

MR. TORLEY: Evidence of continuing use as a multi-family.

MR. HILDRETH: Okay, I can do that.

MR. TORLEY: Some indication of that, not every second every day, but show that over time because--

MR. HILDRETH: I'll see what I can do.

MR. BABCOCK: The assessor's office will give you that as being assessed as that.

MR. HILDRETH: I'll talk to you.

MR. KANE: That's going to be your toughest hurdle.

MR. HILDRETH: I have no doubt that it's within the spirit of continued pre-existing use, I understand the board needs something.

MR. KANE: Use variance is State regulated, very strict.

MR. TORLEY: Other question I have you can discuss it at the public hearing is there a reason you don't want to just divide the lot where the existing houses are, cut that up so you've got two lots, one which is an existing residence now just simply be an area variance there and restricted use variance?

MR. HILDRETH: Too many area variances, we would need lot area, we'd need side yards, lot widths, not necessarily lot widths, but too many to me and this is more in keeping with what the owner wants to do, he wants to keep this as it is so it's currently the two residences on one lot. We're just going to leave it and he just wants one lot in the back.

MR. REIS: Bill, the proposed dwelling, is that going to be serviced by municipal water and sewer?

MR. HILDRETH: Correct, water and sewer are available, single laterals out to the street.

MR. TORLEY: Owner will acknowledge that should he be granted those variances that's what it is, he's not to

come back in six months and say well, I'm going to put the other four houses back there.

MR. HILDRETH: If he does, it's as big a surprise to me as it is to you all.

MR. KANE: He has a right to do that.

MR. HILDRETH: I'm not going to promise you.

MR. TORLEY: Question of the road frontage.

MR. HILDRETH: I won't promise you that 15, 20 years from now something else might happen because it's big enough but it couldn't happen unless it came back here.

MR. BABCOCK: Are we going to decide either for a use variance and/or an interpretation?

MR. KANE: That's where we need to go and/or an interpretation, it was a pre-existing site, therefore, it's pre-existing, you do not need the use variance.

MR. HILDRETH: The planning board just put that in their notes as an afterthought but as long as we're here, why not clean that up, unless it's determined we don't need to.

MR. BABCOCK: Right.

MR. TORLEY: But it's the same money so gentlemen, any other questions at this time?

MR. REIS: Accept a motion?

MR. TORLEY: Yes.

MR. REIS: Make a motion that we set up Mr. John Kochan for his requested variance at 572 Union Avenue.

MR. MCDONALD: Second it.

ROLL CALL

MR. RIVERA                      AYE

June 10, 2002

7

MR. MC DONALD	AYE
MR. KANE	AYE
MR. REIS	AYE
MR. TORLEY	AYE



Date 7/25/02

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO John T. Kochan DR.  
P.O. Box 4627, New Windsor, N.Y. 12553

DATE

CLAIMED

ALLOWED

7/25/02 Refund of Escrow Deposit  
# 02-33

\$171.50

Approved: Patricia A. Corsi  
ZBA-

6/24/02 Public Hearings: Lochan #02-33

Name:

Address:

Sally Alessi

564 Union Ave

New Windsor

Edie Ross

562 11 11

2 11

**OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR  
ORANGE COUNTY, NY**

**NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION**

PLANNING BOARD FILE NUMBER: 02-08

DATE: 5-3-2002

APPLICANT: KOCHAN, JOHN

572 UNION AVENUE

NEW WINDSOR, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED APRIL 17, 2002  
FOR (SUBDIVISION/SITE PLAN) SUBDIVISION  
LOCATED AT 572 UNION AVENUE

DESCRIPTION OF EXISTING SITE: SEC. 6 BLOCK: 5 LOT: 46-293  
46.223

ZONE R-4

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

**LOT #1 USE VARIANCE FOR MULTI-FAMILY  
WITH SINGLE FAMILY  
LOT #2 LOT WIDTH VARIANCE.**

MICHAEL BABCOCK, BUILDING INST.

**REQUIREMENTS**

ZONE R-4 USE SFA

PROPOSED OR  
AVAILABLE

VARIANCE  
REQUEST

MIN. LOT AREA	<u>43560</u>	<u>EXCEED</u>	<u>-</u>
MIN LOT WIDTH	<u>100</u>	<u>60 FT</u>	<u>40 FT</u>
REQ'D FRONT YARD	<u>35</u>	<u>EXCEED</u>	<u>-</u>
REQ'D SIDE YARD	<u>15</u>	<u>EXCEED</u>	<u>-</u>
REQ'D TOTAL SIDE YARD	<u>30</u>	<u>EXCEED</u>	<u>-</u>
REQ'D REAR YARD	<u>40</u>	<u>EXCEED</u>	<u>-</u>
REQ'D FRONTAGE	<u>60</u>	<u>EXCEED</u>	<u>-</u>
MAX. BLDG. HT.	<u>35</u>	<u>MEET CODE</u>	<u>-</u>
FLOOR AREA RATIO	<u>1/4</u>	<u>1/4</u>	<u>-</u>
MIN. LIVABLE AREA	<u>1000</u>	<u>EXCEED</u>	<u>-</u>
DEV. COVERAGE	<u>30%</u>	<u>MEET CODE</u>	<u>-</u>
O/S PARKING SPACES	<u>1/4</u>	<u>-</u>	<u>-</u>

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:  
(856-363-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF  
APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

*Prelim.*  
*June 10, 2002*  
*#02-33*

*2 Lots:*  
*2 Houses:*  
*3-family*  
*1-family*  
*Lot 2 - unimproved.*

POSSIBLE Z.B.A. REFERRALS

KOCHAN, JOHN & MARY ANNE SUBDIVISION (02-08)

Mr. William Hildreth appeared before the board for this proposal.

MR. PETRO: Proposed 2 lot residential subdivision.

MR. HILDRETH: It's been a while since I've been here. My name is Bill Hildreth, I'm a land surveyor who prepared this subdivision plan. Very brief tonight because this requires a variance for which I would like to get a referral from the planning board and this property is right across the street. It was seen by this board over a lengthy period of time a number of years ago approved for 6 lots. Just as a refresher, if it looks familiar to anyone, that's what it is, it had a town road, there are two existing structures there that were, had their own lot on this one here, I placed it on its own lot there, it's virtually the same size, it's slightly bigger than this one, just slightly reconfigured, no town road. We're going to have one lot in the back that's 2.8 acres. The problem comes with the lot width which needs to be measured at the front yard setback. Obviously, the front yard setback is going to be on the 60 foot strip we have just used, it has to be measured from the street, so we need a referral to the ZBA for that. The other thing I'd like you to consider because I've done some research, I cannot determine how these two residences were addressed during this previous subdivision process. What you have is a pre-existing, non-conforming use here, as long as we're going to the ZBA, if that pre-existing, non-conforming use can also be referred, I wouldn't mind getting that taken care of, but it's been that way, it was bought that way by the current applicant. I don't know what your feeling is on that, but I need a referral at least for the lot width.

MR. PETRO: Motion to authorize lead agency coordination letter.

MR. ARGENIO: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board authorize lead agency coordination letter for the project Kochan subdivision. Is there any further discussion? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: As far as we're going to go, just do the referral to the zoning board for what Mark's requesting at this time but bring it up at the zoning board.

MR. HILDRETH: If it comes back that way, okay, that's fine.

MR. PETRO: Motion to approve.

MR. ARGENIO: Motion for final.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Kochan subdivision on Union Avenue. Is there any further discussion? If not, roll call.

ROLL CALL

MR. ARGENIO	NO
MR. BRESNAN	NO
MR. KARNAVEZOS	NO
MR. LANDER	NO
MR. PETRO	NO

MR. PETRO: At this time, you have been referred to the New Windsor Zoning Board for your necessary variances. Once you have received them, if you can receive them or if you do, put them on the map, you can then again

April 24, 2002

4

appear before this board for further review.

MR. HILDRETH: May I ask the engineer lot 3 do I fix that on the EAF or does the board?

MR. EDSALL: Why don't you, when you give me the copies to circulate it for lead agency, just give me a corrected EAF.

MR. HILDRETH: Thank you very much.

ZBA #02-33

**Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611**

**RECEIPT  
#525-2002**

**06/12/2002**

**Kochan, John  
PO Box 4627  
New Windsor, NY 12553**

**Received \$ 50.00 for Zoning Board Fees on 06/12/2002. Thank you for  
stopping by the Town Clerk's office.**

**As always, it is our pleasure to serve you.**

**Deborah Green  
Town Clerk**



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (914) 563-4635  
Fax: (914) 563-4693

## Building Department

April 22, 1999

Grendell Abstract  
5419 RT 9W  
Newburgh, New York 12553

*copy*

PROPERTY ASSESSED TO: Jagger  
572 Union Avenue  
New Windsor, New York 12553  
Section/Block/Lot: 6-5-46.223

Dear Sirs:

Please be advised that the above referenced property has 2 structure one building built in 1860 as a 3 family residence and the second structure as a single family residence built in 1910 which was prior to this Town adopting building and zoning codes in 1966. Therefore, there is no certificate of occupancy nor is one required.

Union Avenue is owned and maintained by the County of Orange.

This letter has been prepared after inspection of the records available in the Town Hall. The records indicate that there are no violations at the subject premises. No personal inspection was made by the undersigned for the purpose of preparing this letter. The Town of New Windsor does not represent that there are no other violations at the subject premises, however, the Town will represent that it has no knowledge of any other violations at the subject premises.

The inspection of the records was performed at the request of an interested party. The Town will not be liable for any loss or damage that may be suffered by the interested party or any other party who may rely on the contents of this letter.

Title #9 NYCRR requires that a smoke detector be installed prior to the sale of these premises. Please submit to the Fire Inspector at the above address the enclosed affidavit of compliance indicating that a smoke detector has been installed and is operational.

Very truly yours,

*Michael Babcock*  
Michael Babcock  
Building Inspector



TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 33

Date: \_\_\_\_\_

I. Applicant Information:

- (a) JOHN KOCHAN 572 UNION AVE NEW WINDSOR 12553 565-8675 (SAME)  
(Name, address and phone of Applicant) (Owner)
- (b) \_\_\_\_\_  
(Name, address and phone of purchaser or lessee)
- (c) \_\_\_\_\_  
(Name, address and phone of attorney)
- (d) WILLIAM HILDRETH 40750 PLANK RD. UNIT 3 NEWBURGH 12550 (SURVEYOR) 565-6650  
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☒ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. Property Information:

- (a) R-4 572 UNION AVENUE 6-5-46.223 3.97 AC.  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? PI
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? 1999
- (e) Has property been subdivided previously? YES, BUT WITHDRAWN
- (f) Has property been subject of variance previously? No  
If so, when? N/A
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: No

IV. Use Variance.

- (a) Use Variance requested from New Windsor Zoning Local Law, Section 48.12, Table of USE Regs., Col. A(8), to allow:

(Describe proposal) PRE-EXISTING 3 FAMILY (MULTI-FAMILY) RESIDENCE ON SINGLE FAMILY LOT WITH AN ADDITIONAL (SEPARATE) SINGLE FAMILY RESIDENCE

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

MULTI-FAMILY USE IS PRE-EXISTING. PRIOR OWNER MARKETING PROPERTY AS MULTI-FAMILY AND APPLICANT PURCHASED AS SUCH IN GOOD FAITH. REDUCTION TO SINGLE FAMILY WOULD CAUSE UNNECESSARY FINANCIAL HARDSHIP. PROPOSED SUBDIVISION CREATES A LOT WHICH COMPLIES WITH ALL OTHER CURRENT ZONING REQUIREMENTS. PREVIOUS SUBDIVISION APPROVAL FOR 6 LOTS (WITH NO VARIANCE) WAS ABANDONED BY APPLICANT IN FAVOR OF CURRENT CONFIGURATION.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes \_\_\_\_\_ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

#### V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48.12, Table of BULK Regs., Col. D (B).

Requirements	Proposed or Available	Variance Request
Min. Lot Area <u>43,560 S.F.</u>	<u>2.83 Acres</u>	<u>No</u>
Min. Lot Width <u>100'</u>	<u>60'</u>	<u>40' (40%)</u>
Reqd. Front Yd. <u>35'</u>	<u>&gt; 35'</u>	<u>No</u>
Reqd. Side Yd. <u>15'/30'</u>	<u>&gt; 15'/30'</u>	<u>No</u>
Reqd. Rear Yd. <u>40'</u>	<u>&gt; 40'</u>	<u>No</u>
Reqd. Street Frontage* <u>60'</u>	<u>60.03'</u>	<u>No</u>
Max. Bldg. Hgt. <u>35'</u>	<u>&lt; 35'</u>	<u>No</u>
Min. Floor Area* <u>1000 S.F.</u>	<u>&gt; 1000 S.F.</u>	<u>No</u>
Dev. Coverage* <u>30</u> %	<u>&lt; 30</u> %	<u>No</u> %
Floor Area Ratio** <u>N/A</u>		
Parking Area <u>N/A</u>		

\* Residential Districts only

\*\* No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

Describe why you believe the ZBA should grant your application for an area variance:

BENEFIT TO APPLICANT IS PROPERTY USE REMAINS AS PURCHASED. DIFFICULTY IS NOT SELF-CREATED AND VARIANCE WILL NOT RESULT IN A NOTICEABLE CHANGE OF ANY KIND TO THE PROPERTY, THEREFORE, THERE IS NO DETRIMENT TO THE COMMUNITY. WHILE VARIANCE MAY BE DEEMED SUBSTANTIAL, THIS IS NEGATED BY THE FACT THERE WILL BE NO VISIBLE CHANGES AS A RESULT.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance:

N/A

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

\_\_\_\_\_  
\_\_\_\_\_

VII. Interpretation.

N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

(b) Describe in detail the proposal before the Board:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

USE AND BULK VARIANCES, IF GRANTED WILL RESULT IN THE CREATION OF ONE SINGLE FAMILY LOT ON 2.8 ACRES AND PERMIT THE CONTINUANCE OF THE EXISTING USE. THIS MORE THAN MEETS THE INTENT AND SPIRIT OF NEW WINDSOR ZONING AS FOSTERED. ALL OTHER ZONING REQUIREMENTS FOR SUBDIVISION WILL BE MET OR EXCEEDED.

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- N/A ☐ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed ~~and title policy.~~
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- N/A ☐ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$ 50.00 and the second check in the amount of \$ 300.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: 11 JUNE 2002

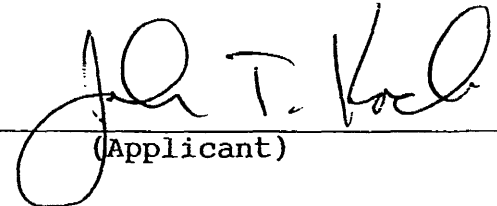
STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

LINDA FRUSTACI  
Notary Public, State of New York  
No. 4949024  
Qualified in Orange County  
Commission Expires March 27, 2003

  
(Applicant)

Sworn to before me this

11 day of June, 20 2002



XI. ZBA Action:

(a) Public Hearing date: \_\_\_\_\_

(b) Variance: Granted (\_\_\_) Denied (\_\_\_)

(c) Restrictions or conditions: \_\_\_\_\_

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC  
HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF  
APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
 For UNLISTED ACTIONS Only

**PART I—PROJECT INFORMATION** (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <u>JOHN KOCHAN</u>	2. PROJECT NAME <u>JOHN T. KOCHAN, MARYANNE KOCHAN MINGE SUBDIVISION</u>
3. PROJECT LOCATION: Municipality <u>TOWN OF NEW WINDSOR</u> County <u>ORANGE</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>NORTH SIDE OF UNION AVENUE (CO. RD. NO. 69) 450' EAST OF CLARKVIEW ROAD</u> <u>572 UNION AVENUE</u> <u>TAX MAP SECTION 6 BLOCK 5 LOT 46.223</u>	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <u>TWO LOT MINOR SUBDIVISION CREATING A NEW 2.8 ACRE SINGLE FAMILY PARCEL AND EXISTING MULTI-FAMILY PARCEL ON 1.1 ACRES. MUNICIPAL WATER AND SEWER ARE AVAILABLE.</u>	
7. AMOUNT OF LAND AFFECTED: Initially <u>3.97</u> acres Ultimately <u>3.97</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly <u>MULTI-FAMILY (PRE-EXISTING) USE VARIANCE REQUIRED</u> <u>LOT WIDTH VARIANCE FOR NEW LOT REQUIRED</u>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input checked="" type="checkbox"/> Other Describe: <u>TOWN HALL</u>	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No <u>N/A</u>	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <u>JOHN KOCHAN</u>	Date: <u>6/11/02</u>
Signature: <u>William B. Holdreth (PREPARED)</u>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

## PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

<p><b>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12?</b></p> <p><input type="checkbox"/> Yes      <input type="checkbox"/> No</p>	<p>If yes, coordinate the review process and use the FULL EAF.</p>
<p><b>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6?</b>      If No, a negative declaration may be superseded by another involved agency.</p> <p><input type="checkbox"/> Yes      <input type="checkbox"/> No</p>	
<p><b>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING:</b> (Answers may be handwritten, if legible)</p> <p>C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:</p>  <p>C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:</p>  <p>C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:</p>  <p>C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:</p>  <p>C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.</p>  <p>C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.</p>  <p>C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.</p>	
<p><b>D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</b></p> <p><input type="checkbox"/> Yes      <input type="checkbox"/> No      If Yes, explain briefly</p>	

### PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

\_\_\_\_\_

Name of Lead Agency

\_\_\_\_\_

Print or Type Name of Responsible Officer in Lead Agency      Title of Responsible Officer

\_\_\_\_\_

Signature of Responsible Officer in Lead Agency      Signature of Preparer (If different from responsible officer)

\_\_\_\_\_

Date

PROXY AFFIDAVIT

SUBMISSION OF APPLICATION FOR VARIANCE # 33

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

STATE OF NEW YORK)

) SS.:

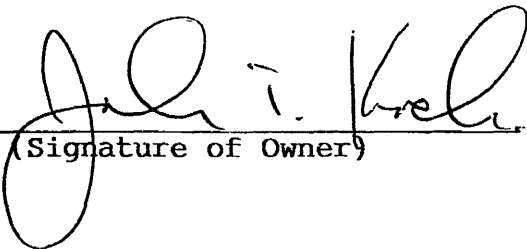
COUNTY OF ORANGE )

JOHN KOCHAN

, deposes and says:

I am the OWNER of a certain parcel of land within the TOWN OF NEW WINDSOR designated as tax map SECTION 6 BLOCK 5 LOT 46.223. I HEREBY AUTHORIZE WILLIAM B. HILDRETH of GREVAS & HILDRETH, L.S., P.C. (company name) to make an application before the ZONING BOARD OF APPEALS as described in the within application.

Dated: 11 JUNE 2002.

  
(Signature of Owner)

Sworn to before me this

11 day of June, 19 2002

  
Notary Public

(ZBA DISK#1-060895.PXY)

LINDA FRUSTACI  
Notary Public, State of New York  
No. 4949024  
Qualified in Orange County  
Commission Expires March 27, 2003





THIS INDENTURE, made the 27<sup>th</sup> day of May, 1960

BETWEEN ROBERT H. JAGGER and MARY ANN JAGGER  
1260 Rt. 52  
Walden, New York 12556

party of the first part and JOHN T. KOCHAN and MARYANNE KOCHAN, HUSBAND + WIFE  
112 Glendale Drive  
New Windsor, New York 12553

party of the second part.

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situated, lying and being in the See Schedule "A" attached

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

*Robert H. Jagger*  
ROBERT H. JAGGER

*Mary Ann Jagger*  
MARY ANN JAGGER

### SCHEDULE "A"

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of New Windsor, County of Orange, State of New York and being more accurately bounded and described as follows:

Beginning at a pipe set in the northerly line of County Highway #69 (a/k/a Union Avenue) said pipe being the southerly corner of the herein described lot and the westerly corner of lands reputedly of Alessi (Liber 2259, page 744) and being referenced S. 18 50' 30" W 3.8 feet from a pipe found, thence from said point of beginning and along said line of County Highway #69, N. 67 26' 57" W. 78.19 feet and N. 80 48' 30" W. 181.67 feet to a pipe set, thence along lands reputedly of Fischer, N 11 04' 00" E. 200.00 feet to a pipe found and N. 80 48' 30" W 104.00 feet to a pipe set, thence along filed map #1637 as filed in the Orange County Clerk's office, Lands reputedly of Carroll (Lot 9) Schultz (Lot 10) and along or near a fence line N 11 04' 00" E. 207.65 feet to a large wood post found, thence continuing along said filed Map #1637, lands reputedly of Perran (Lot 16), Reiber (Lot 17) Stallone (Lot 18) Smiffin (Lot 19) Smith (Lot 20) Nergelovic (Lot 21) and Hassendenteufel (Lot 22) and along or near a meandering wire fence S 78 56' 00" W. 554.22 feet to a rebar found, thence along lands reputedly of Seaman, S 6 39' 14" W. 236.29 feet to a pipe found, thence along lands reputedly of Alessi and partially along wire fences N 72 14' 34" W. 184.24 feet to a pipe found and S 18 50' 30" W. 201.60 feet to the point of beginning, a surveyed by Garrison W. Scott, PLS New Hampton, New York on December 20, 1984.

BEING same premises as described in deed dated 1/18/85 to Robert H. Jagger and Mary Ann Jagger from Giovanna Terrizzi and Michele Terrizzi and recorded 1/21/85 in Liber 2319 cp. 51.



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-4693

## Assessors Office

May 2<sup>nd</sup>, 2002

Grevas & Hildreth Land Surveyors P.C.  
407 So. Plank Road  
Newburgh, NY 12550

Re: 6-5-46.223

Dear Mr. Hildreth:

According to our records, the attached list of property owners are within five hundred (500) feet  
Of the referenced property.

The charge for this service is \$115.00, minus your deposit of \$25.00.

Please remit the balance of \$90.00 to the Town Clerk's Office.

Sincerely,

Leslie Cook  
Sole Assessor

LC/srr

Attachments

CC: Pat Corsetti, ZBA

A.

6-1-7

Albert & Margaret Lusardi  
18 Clarkview Road  
New Windsor, NY 12553

6-1-8

Willard & Mary Jaime  
20 Clarkview Road  
New Windsor, NY 12553

6-1-9

James & Frances Lego  
22 Clarkview Road  
New Windsor, NY 12553

6-1-10

Stacey Gilmore  
24 Clarkview Road  
New Windsor, NY 12553

6-1-11

John & Ellen Walsh  
26 Clarkview Road  
New Windsor, NY 12553

6-1-12

Benny & Nancy Almodovar  
28 Clarkview Road  
New Windsor, NY 12553

6-1-13

Janette Hyzer  
20 Clarkview Road  
New Windsor, NY 12553

6-1-14

Larry & Clyde Sweeney  
32 Clarkview Road  
New Windsor, NY 12553

6-1-15

Raphael & Carol Van Voorhis  
34 Clarkview Road  
New Windsor, NY 12553

6-1-16

Richard & Patricia Jennings  
36 Clarkview Road  
New Windsor, NY 12553

B

4-2-4.2

Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553

6-1-17

Roberto & Sonia Rodriguez  
38 Clarkview Road  
New Windsor, NY 12553

6-1-18

Philip & Madeline Infante  
602 Union Avenue  
New Windsor, NY 12553

6-3-9

Donald & Bessie Harris  
20 Knox Drive  
New Windsor, NY 12553

6-3-10

William & Dorothea Brown  
11 Mitchell Avenue  
New Windsor, NY 12553

6-3-11

Robert & Patricia Merkl  
9 Mitchell Lane  
New Windsor, NY 12553

6-3-12

Charles Shanahan Jr.  
7 Mitchell Lane  
New Windsor, NY 12553

6-3-13

Anthony Dirago Jr.  
5 Mitchell Lane  
New Windsor, NY 12553

6-3-14

Peter Reilly Sr.  
C/O Alice Reilly  
3 Mitchell Lane  
New Windsor, NY 12553

6-3-15

Joseph Armisto & Nina Cargain  
1 Mitchell Lane  
New Windsor, NY 12553

C

1/4

6-3-16

George & Evelyn Roman  
17 Clarkview Road  
New Windsor, NY 12553

6-4-1

Ismail & Cemaliye Nouri  
19 Clarkview Road  
New Windsor, NY 12553

6-4-2

Anthony & Angela Oddo  
2 Mitchell Avenue  
New Windsor, NY 12553

6-4-3

Timothy & Debra Gilchrist  
4 Mitchell Lane  
New Windsor, NY 12553

6-4-4

Mahmoud Radwan  
6 Mitchell Avenue  
New Windsor, NY 12553

6-4-5

Steven & Jane Albano  
8 Mitchell Lane  
New Windsor, NY 12553

6-4-6

John & Kathleen Hannon  
10 Mitchell Lane  
New Windsor, NY 12553

6-4-7

John Fisher & Luz Camilo-Fisher  
12 Mitchell Lane  
New Windsor, NY 12553

6-4-8

John & Clarie Benson  
24 Knox Drive  
New Windsor, NY 12553

6-4-9

Robert Wilson  
28 Knox Drive  
New Windsor, NY 12553

A  
6-4-10  
Richard & Anna Kenna X  
32 Knox Drive  
New Windsor, NY 12553

6-4-11  
Donna Verdiglione X  
34 Knox Drive  
New Windsor, NY 12553

6-4-12  
Doreen & Michael Casey X  
36 Knox Drive  
New Windsor, NY 12553

6-4-13  
Christopher & Allison Jacopino X  
38 Knox Drive  
New Windsor, NY 12553

6-4-14  
James & Francis O'Neil X  
40 Knox Drive  
New Windsor, NY 12553

6-4-15  
Matthew & Corinne Lynch X  
42 Knox Drive  
New Windsor, NY 12553

6-4-16  
Robin Piekarz & Curtis Worden X  
44 Knox Drive  
New Windsor, NY 12553

6-4-17  
Jeremiah & Patricia Quill X  
23 Clarkview Road  
New Windsor, NY 12553

6-4-18  
Nea Sum Chin X  
21 Clarkview Road  
New Windsor, NY 12553

6-5-4  
John & Barbara Wurster X  
12 Oxford Road  
New Windsor, NY 12553

B  
6-5-5  
Anthony & Susan Rizzo X  
10 Oxford Road  
New Windsor, NY 12553

6-5-6  
Paula Loehr X  
24 Oxford Road  
New Windsor, NY 12553

6-5-7  
Rosalie Margaret & Timothy Peters X  
8 Oxford Road  
New Windsor, NY 12553

6-5-8  
Anna Frances Turner X  
1 Oxford Road  
New Windsor, NY 12553

6-5-9  
Alfred & Barbara Ann Certo X  
3 Oxford Road  
New Windsor, NY 12553

6-5-10  
Jeffrey & Rose Kroboth X  
5 Oxford Road  
Dobbs Ferry, NY 10522

6-5-11  
Vito Jr. & Stephanie Cracchiolo X  
7 Oxford Road  
New Windsor, NY 12553

6-5-12  
Marie Radulski X  
C/o Marie Napoleon  
9 Oxford Road  
New Windsor, NY 12553

6-5-13  
Edward & Patricia Silinski X  
11 Oxford Road  
New Windsor, NY 12553

6-5-14  
Thomas & Lori Gambill X  
13 Oxford Road  
New Windsor, NY 12553

C  
2/4  
6-5-15  
Jeffrey Orts & Judy Serviss-Orts X  
15 Oxford Road  
New Windsor, NY 12553

4-2-3.222  
The Young Women's Association of X  
Newburgh  
C/O YWMCA  
565 Union Avenue  
New Windsor, NY 12553

6-5-17  
Victoria Sustmann X  
19 Knox Drive  
New Windsor, NY 12553

6-5-18  
Clifford & Marianne Paige X  
21 Knox Drive  
New Windsor, NY 12553

6-5-19  
Allen & Joanne Hoag X  
23 Knox Drive  
New Windsor, NY 12553

6-5-20  
William Missionellie Jr. X  
25 Knox Drive  
New Windsor, NY 12553

6-5-21  
Edward & Georgeanne Vornlocher X  
27 Knox Drive  
New Windsor, NY 12553

6-5-22  
Michael Prisco X  
29 Knox Drive  
New Windsor, NY 12553

6-5-23  
James & Mary Irving X  
31 Knox Drive  
New Windsor, NY 12553

6-5-24  
Shirley Hassdenteufel X  
33 Knox Drive  
New Windsor, NY 12553

A.  
6-5-25  
Charles & Lucy Nergelovic X  
35 Knox Drive  
New Windsor, NY 12553

6-5-26  
Christine Smith X  
37 Knox Drive  
New Windsor, NY 12553

6-5-28  
Richard & Donna Dotson X  
41 Knox Drive  
New Windsor, NY 12553

6-5-29  
Harold Willis X  
43 Knox Drive  
New Windsor, NY 12553

6-5-30  
Cheryl Grainger X  
45 Knox Drive  
New Windsor, NY 12553

6-5-31  
Thomas & Nancy Bailey X  
47 Knox Drive  
New Windsor, NY 12553

6-5-32  
Nancy Sharp X  
25 Clarkview Road  
New Windsor, NY 12553

6-5-33  
Herman & Marie Walker X  
27 Clarkview Road  
New Windsor, NY 12553

6-5-34  
Diane Maskiell & Douglas Brown Jr. X  
29 Clarkview Road  
New Windsor, NY 12553

6-5-35  
Vincent & Mary Ellen Devito X  
1 President Court  
New Windsor, NY 12553

B  
6-5-36  
John & Grace Schultz X  
3 President Court  
New Windsor, NY 12553

6-5-37  
Kenneth & Maria Maldonado X  
5 President Court  
New Windsor, NY 12553

6-5-38  
George & Helen Mehlig X  
7 President Court  
New Windsor, NY 12553

6-5-39  
Ellen & Scott Meyer X  
9 President Court  
New Windsor, NY 12553

6-5-40  
Luigi & Anna Muratore X  
31 Clarkview Road  
New Windsor, NY 12553

6-5-41  
James & Mariann Bott X  
33 Clarkview Road  
New Windsor, NY 12553

6-5-42  
Harold & Vera Porath X  
35 Clarkview Road  
New Windsor, NY 12553

6-5-43  
Elwood & Florence Wilson X  
592 Union Avenue  
New Windsor, NY 12553

6-5-44  
Joseph Herring X  
590 Union Avenue  
New Windsor, NY 12553

6-5-45  
LeGrande Sr. & Willetta Moseley X  
588 Union Avenue  
New Windsor, NY 12553

C  
3/4  
6-5-46.1  
Susan Fischer X  
3117 Worthington Circle  
Falls Church, VA 22044

6-5-46.21 & 6-5-46.3 6-5-47.1  
Jane Seaman X  
Taylor Road  
Mountainville, NY 10953

6-5-46.224 X  
Joseph & Sally Ann Alessi  
564 Union Avenue  
New Windsor, NY 12553

6-5-47.2 X  
David & Eldred Ross  
2450 Route 208  
Walden, NY 12586

6-5-49 X  
Rose Raszcewski  
540 Union Avenue  
New Windsor, NY 12553

6-6-7 X  
Dalila Christoforidis & Magaly Mendoza  
6 Oxford Road  
New Windsor, NY 12553

6-6-8 X  
John & Maureen Schjorring  
4 Oxford Road  
New Windsor, NY 12553

6-6-9 X  
Muriel Van Dyk  
2 Oxford Road  
New Windsor, NY 12553

6-5-27 X  
Jeremiah & Patricia Quill  
39 Knox Drive  
New Windsor, NY 1255333

4-2-5.2 X  
Kings of Kings Lutheran Church  
543 Union Avenue  
New Windsor, NY 12553

A.  
4-2-16.8

New Windsor Business Park Associates  
C/O Rubin Management Inc.  
147-39 175<sup>th</sup> Street  
Jamaica, NY 11434

4-2-18

Rising Sun Enterprises of Dutchess LTD  
508 Temple Hill Road  
New Windsor, NY 12553

4-2-19

Michael Biggs Jr.  
Route 32 PO Box 181  
Vails Gate, NY 12584

4/4



ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR  
COUNTY OF ORANGE:STATE OF NEW YORK

-----X  
In the Matter of the Application for Variance of

John Kochan (Geras + Hildreth)

#02-23.

AFFIDAVIT OF  
SERVICE  
BY MAIL

\_\_\_\_\_  
STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

R. Meyers

being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at  
7 Franklin Avenue, New Windsor, N. Y. 12553.

That on the 12 day of June, 2002, I compared the 93  
addressed envelopes containing the Public Hearing Notice pertinent to this case  
with the certified list provided by the Assessor regarding the above application  
for a variance and I find that the addresses are identical to the list received. I  
then caused the envelopes to be deposited in a U.S. Depository within the Town  
of New Windsor.

R. Meyers

Sworn to before me this

\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public

PUBLIC NOTICE OF HEARING BEFORE  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 33

Request of JOHN KOCHAN

for a VARIANCE of the Zoning Local Law to permit:

MULTI-FAMILY USE AND LESS THAN REQUIRED LOT WIDTH

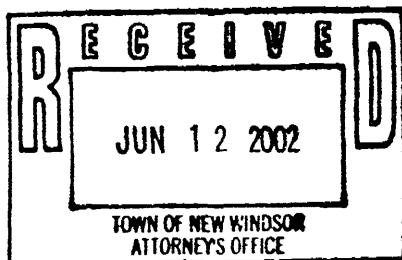
being a VARIANCE of Section 48.12 TABLE OF USE/BULK REGULATIONS COLUMNS A(B) AND D(B)

for property situated as follows:

572 UNION AVENUE

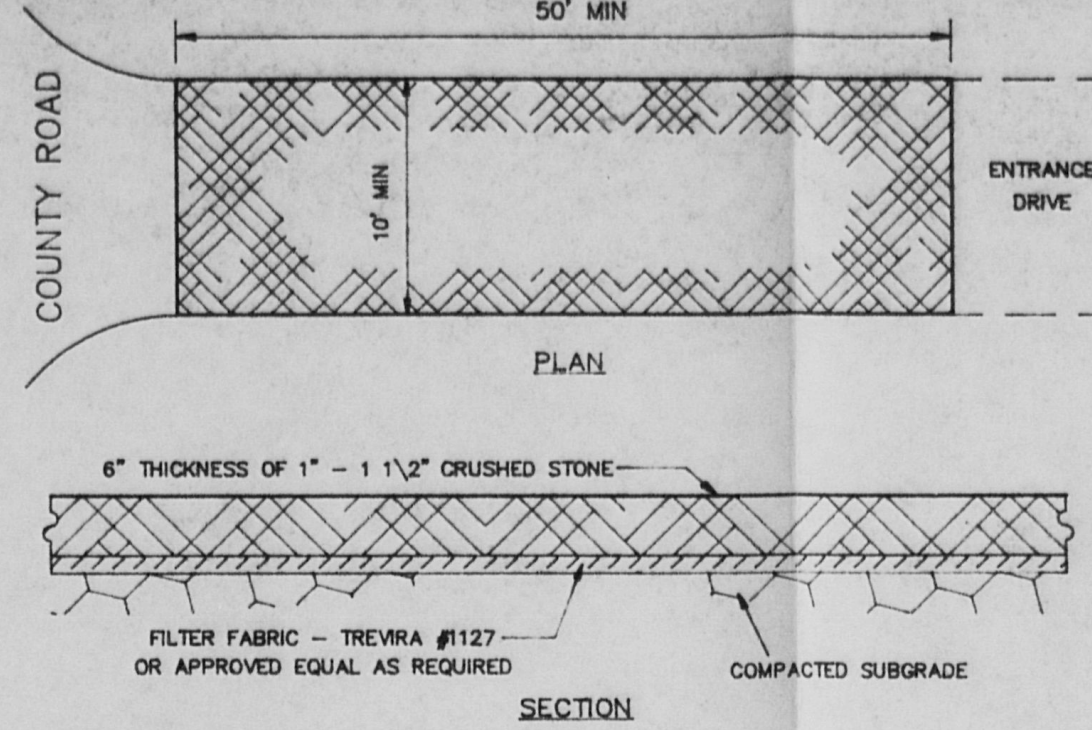
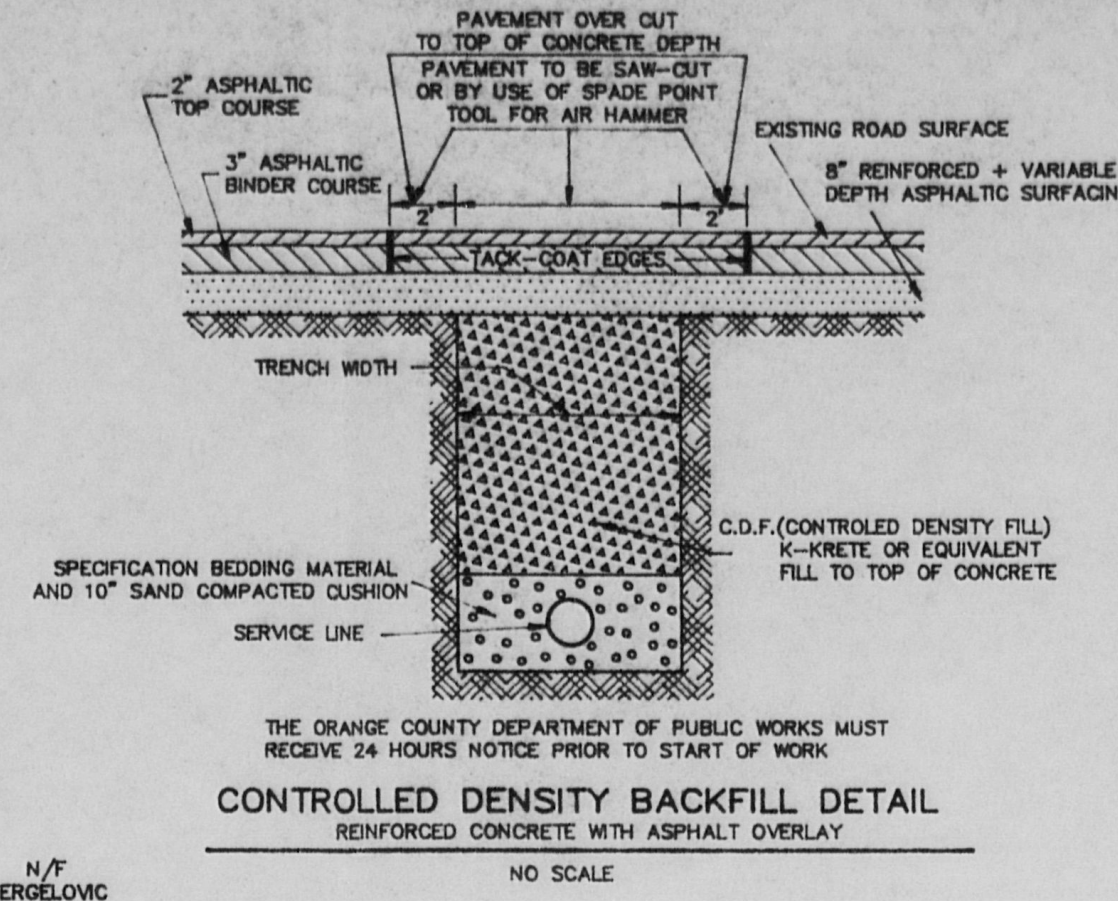
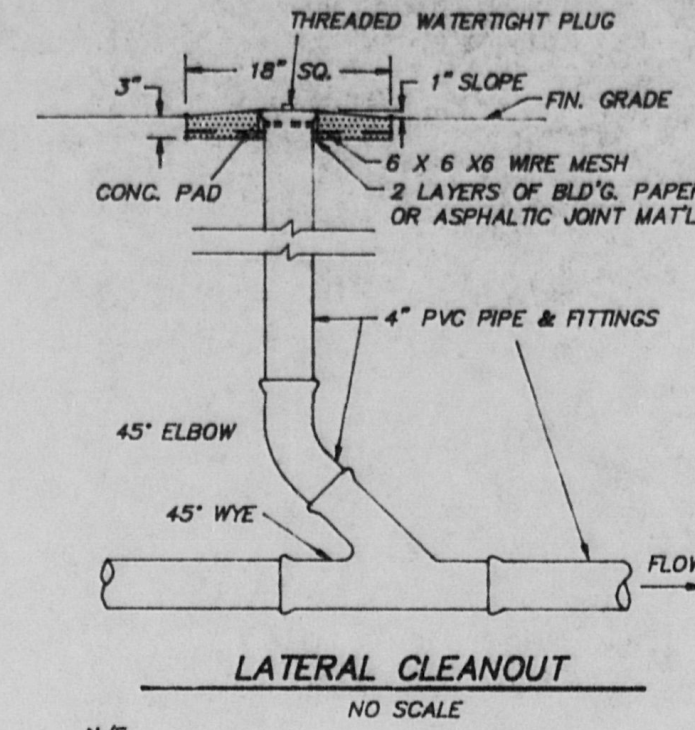
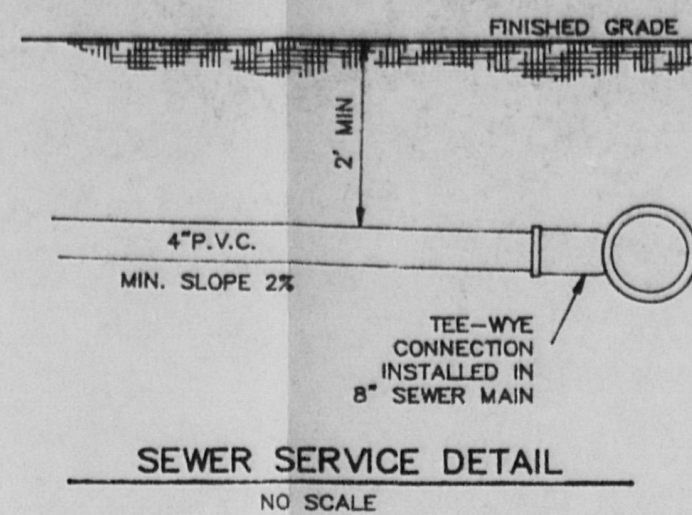
known as tax lot Section 6 Block 5 Lot 46.223.

SAID HEARING will take place on the 24<sup>th</sup> day of JUNE 2002,  
19, at New Windsor Town Hall, 555 Union Avenue, New Windsor,  
New York, beginning at 7:30 o'clock P. M.



LAWRENCE TORLEY  
Chairman





LOCATION PLAN SCALE: 1"=1,000'

NOTES

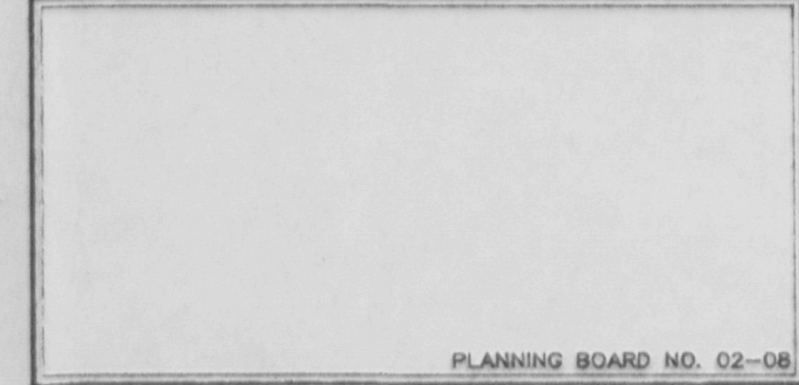
1. BEING A PROPOSED SUBDIVISION OF LANDS SHOWN ON THE TOWN OF NEW WINDSOR TAX MAPS AS SECTION 6 BLOCK 5 LOT 46.233. DEED OF RECORD: LIBER 5073 PAGE 306.
2. PROPERTY OWNER/APPLICANT: JOHN AND MARYANNE KOCHAN  
572 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553
3. PROPERTY ZONE: R-4, RESIDENTIAL USE
4. SEWAGE DISPOSAL AND WATER SUPPLY BY EXISTING MUNICIPAL SYSTEMS.
5. TOTAL PARCEL AREA: 3.97 ACRES  
TOTAL NO. OF LOTS: 2
6. BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON RESULTED FROM A FIELD SURVEY PERFORMED UNDER THE SUPERVISION OF THE UNDERSIGNED. CONTOUR INTERVAL: TWO (2) FEET. ELEVATION DATUM: APPROXIMATE U.S.G.S.
7. PROPOSED DRIVE ALTERATIONS AND IMPROVEMENTS ARE SUBJECT TO REVIEW AND PERMIT BY THE OR. CO. DEPT. OF PUBLIC WORKS.
8. HOUSE LOCATION AND SEWER AND WATER LATERALS ARE SHOWN IN AN APPROXIMATE MANNER ONLY, AND ARE SUBJECT TO CHANGE PENDING FINAL HOUSE LOCATION AND DESIGN.
9. UNAUTHORIZED ALTERATION OR ADDITION TO THIS PLAN IS A VIOLATION OF SECTION 7209(2) OF THE NEW YORK STATE EDUCATION LAW.

CERTIFICATION

I hereby certify that this plan resulted from an actual field survey of the indicated premises completed on 1 April 2002 performed in accordance with the code of practice adopted by the N.Y.S. Association of Professional Land Surveyors, Inc., and is, to the best of my knowledge and belief, correct.

CERTIFIED TO: John T. Kochan  
Maryanne Kochan

PLANNING BOARD APPROVAL



RECEIVED  
TOWN OF NEW WINDSOR  
MAY - 2 2002  
ENGINEER & PLANNING

**& Grevas Hildreth, P.C.**  
LAND SURVEYORS  
407 SOUTH PLANK ROAD UNIT 3, NEWBURGH, N.Y. 12550  
TEL: (845) 266-6600

PLAN FOR:  
**JOHN T. KOCHAN & MARYANNE KOCHAN**  
TOWN OF NEW WINDSOR ORANGE COUNTY NEW YORK  
Drawn: MBH  
Checked:  
Scale: 1"=40'  
Date: 5 Apr. 2002  
Job No: 02-029

**FINAL PLAN**  
**MINOR SUBDIVISION**

02-08

R-4 (AB) ZONE BULK REQUIREMENTS			
	REQUIRED	PROVIDED LOT NO. 1	PROVIDED LOT NO. 2
LOT AREA	43,560 S.F.	49,775 S.F.	2.83 AC.
LOT WIDTH	100'	205'±	*60'
FRONT YARD SETBACK	35'	35.0'	TO MEET CODE
SIDE YARD SETBACK	15'/30'	32.7'/75.5'	TO MEET CODE
REAR YARD SETBACK	40'	90.7'	TO MEET CODE
STREET FRONTAGE	60'	199.8'	60.0'
BUILDING HEIGHT	35'	<35'	TO MEET CODE
MIN. LIVABLE FLR. AREA	1000 S.F.	3400 S.F.±	TO MEET CODE
DEV. COVERAGE	30%	21%	TO MEET CODE

\*VARIANCE REQUIRED

OWNERS CONSENT

I HAVE REVIEWED THIS PLAN AND FIND IT ACCEPTABLE

*John T. Kochan*  
OWNER

